



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

## MEMORANDUM

To: Chairman Paul Chalfant  
Town of Elsmere Board of Adjustment

Mayor

Deborah A. Norkavage

From: Chairman Charles G. Lindell  
Town of Elsmere Planning Commission

1<sup>st</sup> District Councilman  
President Pro-Tempor

John Jaremchuk Jr.

Re.: Petition 12-5

2<sup>nd</sup> District Councilman

Steven Burg

Date: April 11, 2012

Dear Chairman Chalfant,

3<sup>rd</sup> District Councilman  
Robert Kacperski

4<sup>th</sup> District Councilman

Charles McKewen

5<sup>th</sup> District Councilwoman  
Secretary of Council

Joann I. Personti

At the April 3, 2012 meeting of the Town of Elsmere's Planning Commission, the Commission reviewed Petition 12-5 regarding Tax Parcel Number: 19-00-500-087. In this application, the applicant is seeking a variance to install a 36 sq ft. sign at a height of 24 ft., which exceeds the allowable 20 ft., as stated in section 225-38 of the Town's Code, at the property known as 109 Baltimore Ave. After hearing testimony and having their questions answered, the Commission Members in attendance voted to recommend that the Board of Adjustment **Approve** the application.

6<sup>th</sup> District Councilman  
Richard Moore

Sincerely,

Town Treasurer

Paul Chalfant

Charles G. Lindell, Chairman  
Town of Elsmere Planning Commission

City Solicitor

Edward McNally



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

## Application for Hearing

☒ Board of Adjustment

☒ Planning Commission

Petition # 12-5 Filing Fee: 300.00 Date Received 2/28/12 Received by: CA

Subject Property: 109 Belknap Ave., Wilmington, DE 19805

Property is: ☐ Residential ☒ Commercial

Tax Parcel # 1900500087 Zoning District: G±

Applicant name: Tupp Signs, Inc. c/o Doug Goldberg

Address: 457 E. New Churchmans Rd Telephone # 302-322-1600

City: New Castle State: DE Zip Code: 19720

☐ Application for Planning Commission Review of: \_\_\_\_\_

☒ Application for Zoning Variance Related to: Extend 20' height for wall sign.

☐ Front yard setback

☐ Lot Coverage

☐ Rear yard setback

☐ Fencing

☐ Side yard setback

☐ Parking requirements

☐ Lot Area

☒ Signage

☐ Application for Special Exception Use Permit for the following use: N/A

☐ Application for Appeal of an Administrative decision: N/A

By: \_\_\_\_\_ Date: \_\_\_\_\_

For the following reasons: N/A

☐ Application for relief other than above: N/A

State reasons for this request: The sign requested has a height from grade of 24' exceeding the 20' limit but can only be seen from the Rt. 100 bridge. The height of the sign in relation to the bridge is about 8'. If we lower the sign to meet code the sign won't be easily visible from the bridge and of no use.

Has a previous application for this property been filed with the Town? ☐ Yes ☒ No

If yes, Petition # N/A

If the applicant is not the Legal Owner of the property:

Legal owner information:

Name: Philip Gardner

Address: 104 Baltimore Ave. Telephone # 302-230-7130

City: Wilmington State: DE Zip Code: 19805

Please submit the following with this petition:

- A copy of a plot plan showing the following: location of the property; a diagram showing the layout, size, and location of existing structures on the property; a diagram showing the layout, size, and location of any proposed structures on the property.
- A copy of any deed restrictions on the property.  
NOTE: THE BOARD OF ADJUSTMENT OR PLANNING COMMISSION CANNOT APPROVE ANY APPLICATION PROHIBITED BY DEED RESTRICTIONS.
- Filing fee, payable to the Town of Elsmere.

The undersigned hereby certifies that the legal owner of the subject property is aware of, and agrees to the filing of this application, that the information submitted herein is correct, and agrees to be bound by any decision of the Town of Elsmere Board of Adjustment with respect to the subject property.

**NOTE: The legal owner or his/her authorized representative must sign this form.**

Applicant's Signature: [Signature] Date: 3/22/12

Legal Owner's Signature: [Signature] Date: 3/22/12

In addition to the persons listed above please send copies of all correspondence to:

Name: N/A

Address: \_\_\_\_\_ Telephone # \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**Site Analysis**  
**Petition 12-5**

**Property Owner:** Phillip Gardner  
**Zoning District:** GI  
**Address:** 109 Baltimore Ave.  
**Parcel No.:** 1900500087

**Primary Use:** Commercial

**LOT COVERAGE CALCULATIONS**

<b>Lot Area in Sq. Ft.:</b>	12,197	Sq. Ft.	
<b>Allowable Lot Coverage:</b>	10,368	Sq. Ft. (85%)	
<b>Total Coverage:</b>	6,830	Sq. Ft. (56%)	N/A
❖ Residence=	N/A	Sq. Ft.	N/A
❖ Front Porch =	N/A	Sq. Ft.	N/A
❖ Garage=	N/A	Sq. Ft.	N/A
❖ Driveway=	N/A	Sq. Ft.	N/A
❖ Rear Patio=	N/A	Sq. Ft.	N/A

**Proposed Addition:** N/A Sq. Ft. N/A

**Proposed Total:** N/A Sq. Ft. ( - %) N/A

**Conclusion:** No additions or site improvement proposed.

**Required Setbacks:** Front: N/A Rear: N/A  
Side: N/A Both Sides: N/A

**Existing Setbacks:** Front: N/A Rear: N/A  
Side: N/A Both Sides: N/A

**Proposed Setbacks:** Front: N/A Rear: N/A  
Side: N/A Both Sides: N/A

**Conclusion:** No changes to current setbacks proposed.

**STATEMENT OF FACT**

Applicant seeks to install a 12'x 3' (36 sq.ft) sign at a height of 24' above grade.

ISSUE

1. Section 225-9 of the Town's Code requires a site review by the Planning Commission.
2. Section 225-38 of the Town's Code restricts sign height to 20', and the proposed is 24'.
3. In accordance with section 225-37 (B) (3) of the Town's Code, the size of the sign (36 sq.ft) will comply with, because the building is located 50' from the roadway.



THE TOWN OF ELSMERE  
DEPARTMENT OF CODE ENFORCEMENT

11 Poplar Avenue – Elsmere, DE 19805

Phone: 302-998-2215 - Fax: 302-998-9920

Parcel # 1900500087 Zoning District: GI Permit # \_\_\_\_\_ Date: \_\_\_\_\_

**SIGN PERMIT APPLICATION**

Three (3) sets of plans are required, including plot plans showing lot size, location of existing and proposed structures, elevations, section view, floor plans, etc. When a contractor is doing work, a **signed contract between contractor and customer must be included with this application** and an approval letter from the owner if the work is being done for a tenant.

- The Town of Elsmere cannot issue any permits or occupancies on the above listed property if any outstanding violations on the property, including late property taxes, that may be due.
- Permit fees will be doubled if work begins before permits are issued. The Code Enforcement Officer **must be notified** for inspection. All work **must** comply with the 2000 international Building Code as referenced in the Town of Elsmere Code.

➤ Is this: New Replacement Addition Legalization

Job Address: 109 S. DuPont Rd Lot Size: \_\_\_\_\_

Owner's Name: B-Safe Security Phone: \_\_\_\_\_

Owner's Address: 109 S. DuPont Rd DE 19805

Name of Tenant (if Applicable): B-Safe

Name & Tele No. Of Contact Person: Doug Goldberg 322-1600

Type of Sign: (Please check and complete the appropriate box.)

☐ **Ground Sign:** Type of Posts \_\_\_\_\_ Size \_\_\_\_\_ Footing Depth \_\_\_\_\_

Wind pressure per sq. ft. \_\_\_\_\_

☐ **Marquee Sign:** Projection from building line is \_\_\_\_\_ feet, \_\_\_\_\_ inches.

☐ **Projecting Sign:** Projection from building line is \_\_\_\_\_ feet, \_\_\_\_\_ inches.

Wind pressure per sq. ft. \_\_\_\_\_

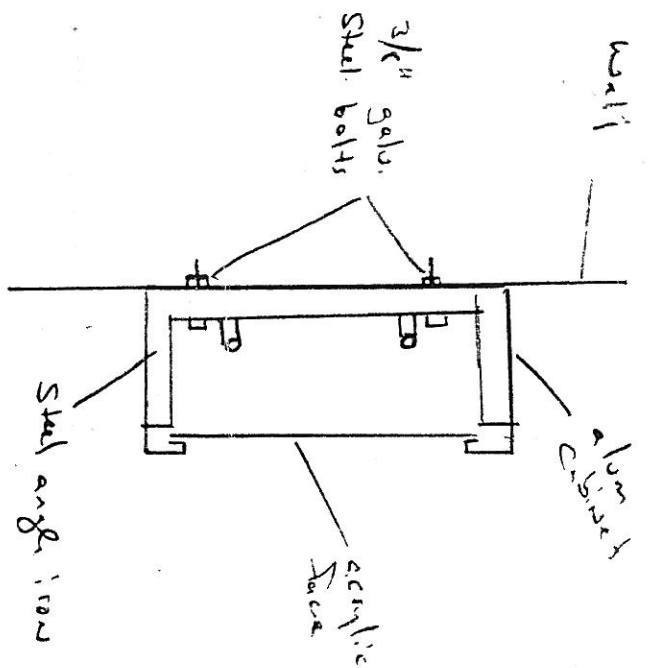
☐ **Roof Sign:** Wind pressure per sq. ft. \_\_\_\_\_

Type of construction and reinforcement \_\_\_\_\_

Height above roof \_\_\_\_\_ feet Setback from outside wall \_\_\_\_\_

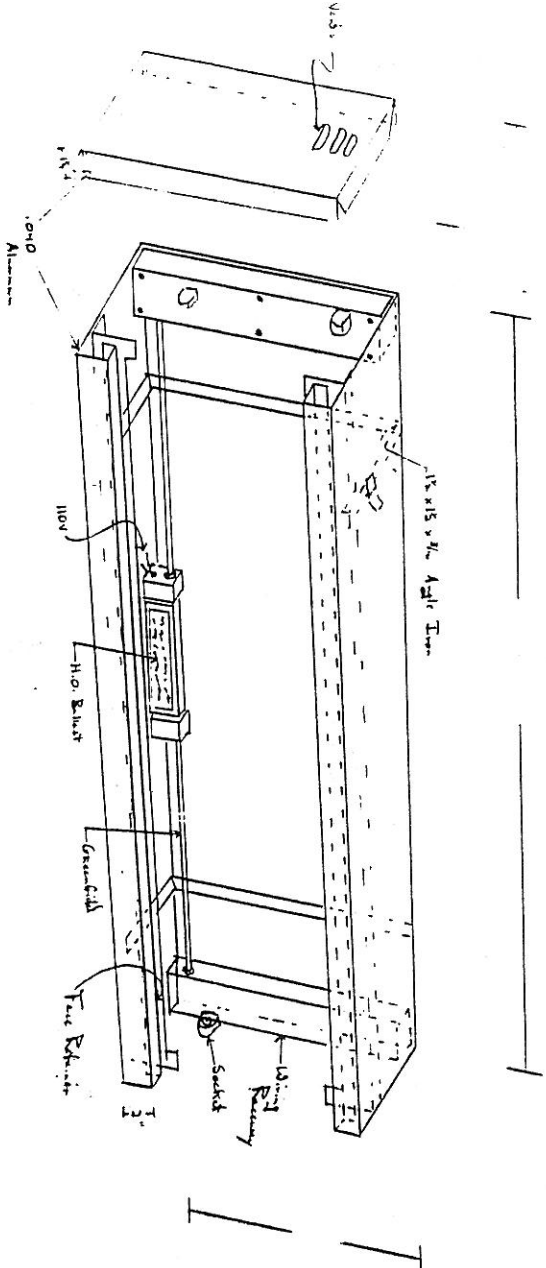
☒ **Wall Sign:** Projection from building line is 0 feet, 10 inches.

Will this be permanently painted on wall: Yes NO



Front View - 1/2" scale

2/5



11-11-11



tabbles®

EXHIBIT

12-5 E

12'-0"

3'-0"

**B-SAFE**  
**SECURITY**  
[www.bsafearms.com](http://www.bsafearms.com)



**TUPP**  
**SIGNS**

ESTABLISHED 1928  
457 E. New Churchmans Rd.  
(302) 322-1600

**Project Name: B-Safe Security**

THIS SKETCH AND DESIGN IS THE EXCLUSIVE  
PROPERTY OF THE TUPP SIGN CO. AND CANNOT  
BE REPRODUCED IN ANY FORM WITHOUT PROPER  
AUTHORIZATION.

**Date: 02/20/12 Authorized By:**

**Scale: 3/4" = 1'**

**Page #**

Drawing Copyright 2012 by Tupp Signs, Inc.



tabbles®

EXHIBIT

12-5 f



**TUPP  
SIGNS**

ESTABLISHED 1938  
457 E. New Churchmans Rd.  
(302) 322-1600

**Project Name: B-Safe Security**

THIS SKETCH AND DESIGN IS THE EXCLUSIVE  
PROPERTY OF THE TUPP SIGN CO. AND CANNOT  
BE REPRODUCED IN ANY FORM WITHOUT PROPER  
AUTHORIZATION.

**Date: 02/20/12 Authorized By:**

**Scale: 1/4" = 1'**

**Page #**

Drawing Copyright 2012 by Tupp Signs, Inc.



**Craig Hanna**

**From:** Philip H Gardner [phgardner@bsafealarms.com]  
**Sent:** Wednesday, March 21, 2012 3:32 PM  
**To:** Craig Hanna  
**Cc:** 'Doug Goldberg'  
**Subject:** Plot Plan/Deed Restrictions  
**Attachments:** 109 S Old DuPont Survey.pdf

Craig,

Attached is a plot plan for 109 Baltimore Avenue per your request.

Also, there are NO Deed restrictions for this property.

Thanks for your help.

phg

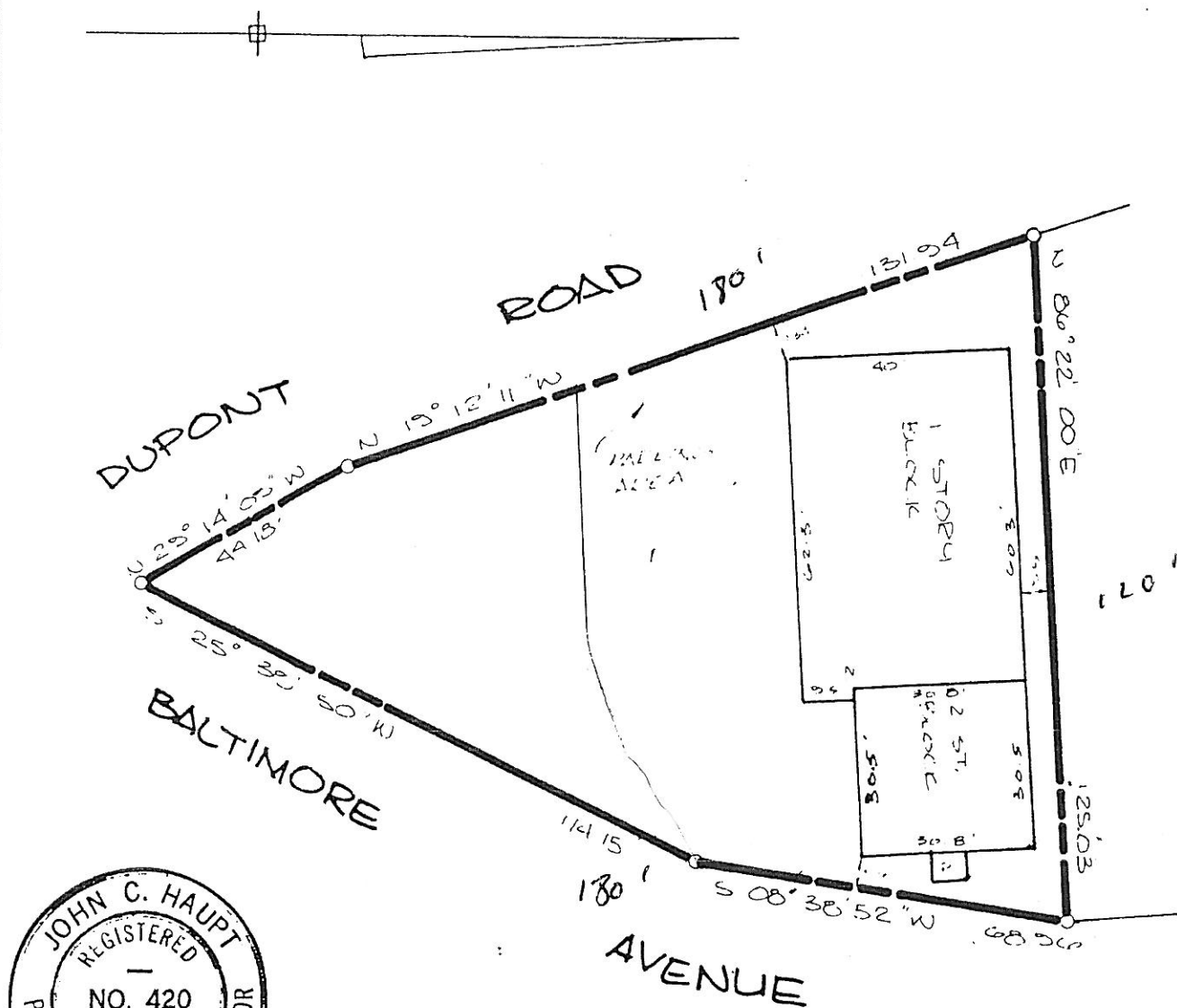
Philip H Gardner  
Managing Member  
Old DuPont Road Properties, LLC

**Philip H. Gardner** 302.230.7130 Direct 866.270.1788 Fax 302.275.1705 Cell  
President

**B-SAFE**  
SEC

This email message and any attachments are for the sole use of the intended recipient(s) and contain confidential, proprietary and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message and any attachments. B-Safe, Inc. All rights reserved.

Visit our Web Site at  
<http://www.bsafealarms.com>



THIS IS TO CERTIFY THAT THIS PARCEL LIES WITHIN ZONE X, (AREA DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN AS SHOWN ON F.I.R.M. PANEL COMMUNITY NUMBER 100023 0001B, revised Sept. 8, 1987.

Building location dimensions are for verifying Zoning Code & Deed Restrictions requirements only. Unless indicated, property corners are not marked.

#### MORTGAGEE'S INSPECTION PLAN

109 S. DUPONT ROAD  
LOTS 104, 105, 106, 107  
ELSMERE  
CHRISTIANA HUNDRED  
NEW CASTLE COUNTY - DELAWARE

#### FIRST STATE MORTGAGE SURVEYS, INC.

605 Market Street Mall • Suite 200 • Wilmington, Delaware 19801

Scale: 1" = 30' JULY 7, 1987

Pax Parcel Number: 12 005.00 087

Reference is made to the plan of ELSMERE.



